

# IN ALABAMA, CRIME VICTIMS HAVE RIGHTS!

The following information is designed to help victims of crime know what they should do, who can help, and how they can help law enforcement apprehend, prosecute, and convict those individuals who victimize others.

## 1 Take Immediate Action.

- Report the crime by calling your local law enforcement agency and/or calling 9-1-1;
- Get to a safe and secure location;
- Seek medical attention (if needed); and,
- Contact your local law enforcement and your local District Attorney's office.



## 2 Learn Your Rights.

**Find out as much as you can about your RIGHTS as a crime victim.**

If you are the victim of a crime, you have the right to be informed, to be present, and to be heard at authorized times in all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime<sup>1</sup>.

*If you are the victim of a crime, you should know that Alabama law<sup>2</sup> stipulates that, within the first 72 hours after the crime is reported to local law enforcement authorities, the law enforcement agency responding to the report of the crime or having responsibility for investigating the crime is required to provide you with:*

- a) A list of available local emergency and crisis services;
- b) Information on the availability of victim's compensation benefits and how to contact

Alabama Crime Victim's Compensation Commission;

- c) The name and telephone number of the law enforcement agency/officer handling your report/investigation;
- d) Information on the procedural steps involved in a criminal prosecution;
- e) A list of victim's rights and form(s) to invoke these rights;
- f) Information on the existence and eligibility for restitution and compensation;<sup>3</sup>
- g) Recommended procedure if the victim is subjected to threats or intimidation; and,
- h) The name and telephone number of the office of prosecuting attorney.

*If you are the victim of a crime, you also have the right to ask for what you want or need, to be persistent, to understand your rights and to find out who can help you assert them. Each District Attorney's Office has one or more Victim Service Officers (VSO), and you should immediately contact the VSO and any victims' advocacy groups active in your area. The VSO can give you information on these organizations or you can find out more by*

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<sup>1</sup> Amendment No. 557, Constitution of Alabama, 1901 (ratified January 6, 1995). See also, ALA. CODE § 15-23-60 et seq. (1975).

<sup>2</sup> Code of Alabama (1975), Section 15-23-62

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<sup>3</sup> Code of Alabama §15-18-65 et seq. and § 15-23-1 et seq.

contacting the groups listed at the end of this brochure.

### 3 Cooperate with Authorities.

**Your cooperation with the law enforcement agency investigating your case is important!**

1. *Write down and keep details* that can help catch and prosecute the person, or persons, who victimized you. Create a journal to keep all information relating to the crime, including names of contacts with dates and phone numbers.
2. **It is very important for crime victims to realize** that, to lawfully prosecute your offender, the law enforcement officer may NOT be able to disclose all information on your case at this point, but (s)he will tell you all the (s)he can as the case develops.
3. **Save all receipts of expenses directly related to the crime**, including prescriptions, funeral expenses, and temporary housing receipts.

### 4 Find Out Who Does What.

**Understanding the role of the law enforcement personnel investigating your case, and the authorities prosecuting your case will benefit you!**

As a crime victim, it is most important that you understand that law enforcement and prosecutorial authorities involved in your case are working to lawfully prosecute your offender. You will work with local law enforcement officers, your local District Attorney's Office, and the Alabama Attorney General's Office.

*It is the job of the law enforcement officers in the jurisdiction where the crime occurred to investigate your case so that they may identify and arrest the individual, or individuals, who committed the crime against you.*

*It is the job of the District Attorney's Office work to prosecute and convict the individual or individuals who committed the crime against you.*

*It is the job of the Victim Service Officer (VSO) in your local District Attorney's Office to provide you with support before, during and after your case is being processed through the judicial system. The VSO can also provide*

you with the appropriate information, forms and affidavits that make it possible for you to seek restitution from the individual or individuals who victimized you.

**Your journey through the criminal justice system unfortunately may not end with the conviction of your offender.** Alabama law provides convicted individuals who believe they have grounds to appeal their conviction with the right to do so through the Appellate Courts.

*If an appeal is filed by the convicted offender, Alabama law stipulates that attorneys in the Attorney General's Office be assigned to defend and work to uphold the conviction on the behalf of the State of Alabama.* If an appeal is filed in your case, we recommend that you contact one of the Victim Services Officers (VSO) in the Attorney General's Office of Victim Assistance (AGOVA) in order to obtain pertinent information on your case, and for assistance in tracking the appeal.

*It is the job of the Attorney General's Office of Victim Assistance (AGOVA) to provide statewide assistance to victims of violent crime. This office is designed to provide victims and their families a place to turn after the offender is sentenced. Upon request, AGOVA provides direct victim assistance, referrals, a toll-free victim service hotline, sex offender victim notification registration, parole protest assistance, and victims' rights to witness executions in capital cases, and criminal appeal notification.*

**As you can see, officials at each level have a specified job in working to apprehend, prosecute, convict and uphold the conviction of your offender.** While the officials we have listed will work to keep you informed in the appropriate manner, it is again very important that you understand that authorities may NOT be able to disclose all the information on this case at certain points, but that (s)he will tell you all the (s)he can as the case develops.

### 5 Invoke Your Victims' Rights.

**To ensure that you will be fully informed about your case, you must invoke your rights, in writing, at each stage of the criminal justice system.**

A common misperception is that if you invoke your rights once, the "word" of this passes along as your case travels along the criminal justice

procedure. Don't make this mistake! INVOKE YOUR RIGHTS AT EACH STAGE. A diagram of the system is included in this brochure, for your review.

#### **How to Invoke Your Rights as a crime victim:**

1. Start the process by contacting the Victim Service Officer in the District Attorney's Office of the county where the crime occurred.
2. As you move through each stage of the criminal justice process, ask the VSO in the District Attorney's Office to provide you with contact information for the person(s) who can assist you at the next stage. The VSO is a great resource for you!
3. When your case reaches the appeals stage, please contact the Attorney General's Office of Victim Services (AGOVA) toll-free by calling 1-800-626-7676 for more information. You may also call this number any time along the way when you have questions!

## **6 Understand Arrest, Prosecution and Custody.**



#### **Learn all you can about your rights as a crime victim in the arrest, prosecution, and custody phase.**

In this phase, you have the right to:

- Receive information on a recommended procedure of what to do if you are subjected to threats or intimidation. (*Code of Alabama 1975, § 15-23-62*);
- Designate a representative if you are physically or emotionally unable to assert your rights (*Code of Alabama 1975, § 15-23-61*);
- Be notified of all criminal proceedings and charges filed against the defendant, with the exception of initial appearance, and the right to be present at all criminal proceedings (*Code of Alabama 1975, § 15-23-63, § 15-23-67, and § 15-14-50 et seq.*);
- Confer with the prosecuting attorney before final disposition of the case (*Code of Alabama 1975, § 15-23-64*), and before commencement of a trial (*Code of Alabama 1975, § 15-23-65*), but not to direct the prosecution ((*Code of Alabama 1975, § 15-23-66*);
- Be provided a waiting area separate from the defendant, his or her relatives, and defense witnesses if available and practical; (*Code of Alabama 1975, § 15-23-68*) and be aware that the address, phone number, place of employment, and other related information about the victim shall not be public record. (*Code of Alabama 1975, § 15-23-69*);
- Refuse an interview or other communication by the defendant, his or her attorney or anyone acting on his behalf; (*Code of Alabama 1975, § 15-23-70*)
- Be notified of or have reasonable attempt made to notify victim of plea agreement and to be present at plea proceeding (*Code of Alabama 1975, § 15-23-71*);
- Be notified about pre-sentence information, be allowed to make an oral or written victim impact statement to be included in probation officer's pre-sentence report, and exercise the right to view pre-sentence report. (*Code of Alabama 1975, §§ 15-23-72 and 15-23-73*);
- Be allowed to present evidence, impact statement, or information concerning the criminal offense or sentencing at pre-sentencing, sentencing, or restitution proceeding (*Code of Alabama 1975, § 15-23-74*);
- Be notified about sentencing, post-conviction, appellate proceedings, post conviction release information, to be notified in case of escape and how to give all necessary agencies the victim contact information to be able to be notified (*Code of Alabama 1975, § 15-23-75*);
- Be told about how to have any property taken from you returned to you (*Code of Alabama 1975, § 15-23-77*);
- Be notified of any release date, parole date, or notice of death. (*Code of Alabama 1975, § 15-23-78*);
- Be allowed to submit a statement to be entered into prisoner's Department of Corrections record and to be notified by Board of Pardons and Paroles when parole or pardon is to be considered (*Code of Alabama 1975, § 15-23-73*);
- The right to access any opinion by the Alabama Department of Mental Health and Mental Retardation under § 15-16-63 et seq., if they had custody of the criminal defendant (*Code of Alabama 1975, § 15-23-80*); and,

- Exercise your right to respond to a subpoena to testify in criminal proceeding against defendant in their case without loss of employment or threatened loss of employment. (*Code of Alabama 1975*, § 15-23-81)

## 7 The Alabama Crime Victims Compensation Commission is there for you!

**Learn more about the Alabama Crime Victims Compensation Commission and the Crime Victims Compensation Fund.** You may be eligible for reimbursement for some of your expenses from the Alabama Crime Victims Compensation Commission if you meet the following criteria:

- You have been the victim of personal injury as the result of criminally injurious conduct;
- You are the dependent of a deceased victim, if such victim died as a result of this crime;
- You did not cause or contribute to the injury or death of the victim;
- An application is filed within one year of the incident;
- The incident was reported to law enforcement within 72 hours;
- You cooperated fully with law enforcement officials;
- Your economic loss has not been paid by other sources.

For more information, contact the Alabama Crime Victims Compensation Commission at (800)541-9388 or (334)242-4007 or at P.O. Box 1548, Montgomery, AL 36102-1548.

## 8 Understand the Criminal Justice Process

### 1. The Crime Occurs.



### 2. The Evidence is presented .

A formal complaint is signed. Depending on the evidence, the case could proceed directly to the grand jury *prior to* the arrest of accused.



### 3. The Accused is Arrested.



### 4. The Preliminary Hearing is held.

Depending on the evidence, this step could be skipped with the case proceeding directly to the grand jury *prior to* the arrest of accused



### 5. Evidence is presented to a Grand Jury.



### 6. Case is "True Billed" by a Grand Jury.

### 7. The Arraignment.

At this point, the defendant enters plea of "Guilty" or "Not Guilty".

*If a "Guilty" plea is entered*, the case will proceed directly to the Sentencing Phase

*If a "Not Guilty" plea entered*, then the case will proceed to Trial Phase



### 8. The Trial Phase.

If the defendant is found guilty, he/she will be sentenced by the trial judge to one or more of the following:

**Prison**  
**Fine**  
**Restitution**  
**Probation**



### 9. The Appeals Phase.

If the case is appealed by the convicted offender to the Appellate Courts, an attorney from the Alabama Attorney General's Office will be assigned to work to uphold and defend the conviction on behalf of the State of Alabama.

## IMPORTANT CASE INFORMATION:

The name of the law enforcement agency that took the initial report is:

The name and phone number of my Local District Attorney is:

The name and phone number of the local Victim Service Officer (VSO)  
in my local District Attorney's Office is:

To invoke my rights as a Crime Victim, I should first contact:

The agency that currently has custody of the Offender in my case is:

## OTHER IMPORTANT RESOURCES AND NUMBERS

### Alabama Crime Victims Compensation Commission

(334) 242-4007, or toll-free  
1-800-541-9833.  
[www.acvcc.state.al.us](http://www.acvcc.state.al.us)

### Alabama Attorney General's Office for Victims Assistance

(334) 242-7300, or toll-free  
at 1-800-626-7676,  
[www.ago.state.al.us](http://www.ago.state.al.us)

### Governor's Office for Victims of Crime

State Capitol  
600 Dexter Avenue  
Montgomery, AL 36104  
(334) 242-7100  
[www.governor.state.al.us/staff.htm](http://www.governor.state.al.us/staff.htm)

### Victims of Crime and Leniency (VOCAL)

P.O. Box 4449  
Montgomery, AL 36103  
(334) 262-7197 or toll-free 1-  
800-23903219  
[www.vocalonline.org/contact.htm](http://www.vocalonline.org/contact.htm)

### Alabama Coalition Against Domestic Violence

P.O. Box 4762  
Montgomery, AL 36101  
(334) 832-4842  
[www.acadv.org](http://www.acadv.org)

### Mothers Against Drunk Driving (MADD)

P.O. Box 241474  
Montgomery, AL 36124-  
1474  
(334) 277-8080

### Alabama Network of Children's Advocacy Centers

P.O. Box 2167  
Montgomery, AL 36102-  
2167  
Fax (334) 834-3469



### Alabama Coalition Against Rape

P.O. Box 4091  
Montgomery, AL 36104  
(334) 264-0123  
[www.acar.org](http://www.acar.org)

### National Domestic Violence Hotline

1-800-799-SAFE (7233).

**You may also call your local District Attorney's Office or the Attorney General's Office of Victim Assistance for help.** For a complete listing of District Attorney's Victim Service Officers (VSO's), visit

[http://www.ago.state.al.us/victim\\_vso.cfm](http://www.ago.state.al.us/victim_vso.cfm) or call the Attorney General's Office of Victim Assistance toll-free at 1-800-626-7676. You may also find local resources in your telephone directory in the Social Services section.